

REMARKS

Claims 21 and 26-29 were pending in the present application. Claims 26-29 have been canceled herein without prejudice to their presentation in another application. Claim 21 has been amended herein to correct a typographical error (i.e., missing a dash). No new matter has been added. Upon entry of the present amendment, claim 21 will remain pending.

I. The Claims Are Clear And Definite

Claims 26-29 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Although Applicants disagree with the reasoning stated in the rejection, solely to advance prosecution of the present application, claims 26-29 have been canceled herein, thus rendering the present rejection moot.

II. The Claimed Invention Is Novel

Claims 26-28 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by International Publication WO 01/53266. Although Applicants disagree with the reasoning stated in the rejection, solely to advance prosecution of the present application, claims 26-28 have been canceled herein, thus rendering the present rejection moot.

III. Obviousness-Type Double Patenting**A. U.S. Patent No. 7,405,211**

Claims 26-28 are rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 2, and 6-17 of U.S. Patent No. 7,405,211. Although Applicants disagree with the reasoning stated in the rejection, solely to advance prosecution of the present application, claims 26-28 have been canceled herein, thus rendering the present rejection moot.

B. U.S. Patent No. 6,977,255

Claims 21 and 26-29 are rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-3 of U.S. Patent No. 6,977,255. Although

Applicants disagree with the reasoning stated in the rejection, solely to advance prosecution of the present application, claims 26-29 have been canceled herein, thus rendering the present rejection moot with respect to the canceled claims. Applicants enclose herewith a Terminal Disclaimer with respect to claim 21. Accordingly, Applicants respectfully submit that the rejection is moot.

IV. Conclusion

In view of the foregoing, Applicants respectfully submit that pending claim 21 is in condition for allowance. An early notice of the same is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at 610.610.7859 if there are any questions regarding the present application.

The Commissioner is hereby authorized to debit any fee due or credit any overpayment to deposit account 50-0436.

Respectfully submitted,

/Paul K. Lcgaard, Reg.# 38534/
Paul K. Lcgaard, Ph.D.

Date: 18 December 2008

Pepper Hamilton LLP
400 Berwyn Park
899 Cassatt Road
Berwyn, PA 19312-1183

Telephone: 610.640.7859
Facsimile: 267.430.7647